

MINUTES OF THE MEETING JULY 13, 2006  
CHINCOTEAGUE BOARD OF ZONING APPEALS

Members Present:

Mr. Myron Birch  
Mr. Robert Cherrix  
Mr. Jack Gilliss  
Mr. Arthur Leonard  
Mr. Mike McGee  
Mr. Jesse Speidel  
Mr. Donald Thornton  
Kenny L. Lewis, Staff support

1. Call to Order

Mr. Leonard called the meeting to order at 7:30 p.m.

2. Approval of Agenda

Motion made by Mr. Thornton, second by Mr. Cherrix to approve the agenda. Mr. Speidel motioned to amend the agenda to make the public hearing portion of the meeting second and the case third, seconded by Mr. Thornton. All were in favor, and the motion carried.

3. Approval of Minutes of Meeting Held December 8, 2005

Mr. Birch motioned, seconded by Mr. Thornton, to approve the minutes as presented. The motion was unanimously approved.

4. Appeal 06-07-01 A request from Obrecht-Phoenix, Parcels 30A3-A-1 & 1A, Main Street, for a variance from Article 4, section 4.4.39.1,2,3 of the Town of Chincoteague's Zoning Ordinance. The petitioner has placed a six foot chain link fence on his property forward of the main structure. Current zoning prohibits such a fence to exceed 4 feet in height. This property is zoned Commercial District C-2.

5. Petitioner's Comments

No one spoke on behalf of Obrecht-Phoenix.

Mrs. Dana Brzezinska spoke against the proposed variance. She advised the Board that the Town has to look at this. This appeal sets precedence with the Town that the developers do not have to pay attention with current zoning regulations. The variance does not meet the hardship criteria. Mrs. Brzezinska felt that the developer could hire a security firm to watch over the property. She added that the developer is a big developer and that they should know the rules. Mrs. Brzezinska felt the appeal should be denied.

6. Board Action on Appeal

Mr. Speidel motioned, seconded by Mr. Thornton, to approve the appeal. All were in favor except for Mr. Birch. The motion carried.

Mr. McGee felt the appeal should be approved.

Mr. Gillis asked when the fence would have to be removed. Mr. Lewis advised that the area in question will be their parking lot.

Mr. Birch felt that a four foot fence would work for this project. Mr. Birch felt that an after-the-fact permit should not be approved.

Mr. Speidel felt that a six foot fence should be mandatory in a construction project.

Mr. Cherrix advised that he has observed several construction projects with fences. Mr. Cherrix felt that for safety purposes, the fence should be relocated back 10' from the back side of the sidewalk.

Mr. Thornton agreed with Mr. Cherrix and felt the appeal should be approved. Mr. Thornton was concerned about the dust coming from this project.

Mr. Ray Rosenberger advised the Board that the Planning Commission will review this matter at their next meeting. This type of fence is not addressed in current zoning.

Mr. Cherrix motioned, seconded by Mr. Thornton, to amend the motion to require the applicant to move the fence back 10' and to remove the fence within 30 days of completion of the project. All were in favor, and the motion carried.

Mr. Thornton motioned, seconded by Mr. McGee to amend that approval with the condition that plantings be placed in front of the fence with a height not to exceed three feet above grade to assist with the dust problems.

Ayes – Birch, Gillis, McGee, Thornton, Cherrix

Nays – Speidel

The motion carried.

The original motion to grant the appeal with the amendments was approved by the voting of the members in the affirmative, except for Mr. Birch who opposed. That motion carried.

## 7. Adjournment

Mr. Leonard adjourned the meeting.

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Arthur Leonard, Chairman